THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION No. 14241 OF 1996

Date: 12.12.2006

Between:

M. Nanjaiah.

… Petitioner

and

Commissioner, Religious Endowments, Andhra Pradesh, Tilak Road, Hyderabad and another.

… Respondents.

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION No. 14241 OF 1996

ORDER:

Questioning the proceedings of the Executive Officer dated 24.06.1996 directing the petitioner herein to handover charge to him within fifteen days from the date of receipt of notice, the present writ petition is filed.

The petitioner herein claims to be the Matadhipathi of Mahanthu Math situated at Punganur in Chittoor District. It is his case that from out of the meager income, derived from Ac.6.50 cts of dry land endowed to the Math, the petitioner has been performing his duties as a Mahanthu of the Math to the utmost satisfaction of the authorities. The petitioner would contend that, the impugned order dated 24.06.1996, which refers to the proceedings of the 1st respondent dated 15.02.1992, was passed without putting him on notice. It is the petitioner's case that since the income of the Math is less than Rs.10,000/-, it cannot be grouped with other temples/charitable institutions and that the very appointment of the 2nd respondent as the Executive Officer of the Math is contrary to Section 29 of the Endowments Act. The petitioner would contend that, since he is the person in management, he is entitled to be put on notice and given an opportunity of being heard before an Executive Officer is appointed to the Math. Petitioner would refer to Section 55 of the Act

whereunder the Commissioner is empowered to frame schemes with regard to the Management of the Math including appointment of an Executive Officer under sub-section 2-A thereof. Petitioner would further state that, it is only in case of mismanagement or fraudulent misappropriation of funds, that an order, framing a scheme, can be passed by the Commissioner and in the absence of any scheme having, in fact, been framed under Section 55, the very appointment of the 2nd respondent as an Executive Officer is contrary to law and is illegal.

No counter-affidavit is filed on behalf of the respondents.

Learned Government Pleader for Endowments would seek further time of two weeks to file a counter-affidavit. The writ petition is of the year 1996 and more than a decade has elapsed since then I see no justification in now granting time to file a counter-affidavit. Pursuant to the interim orders of this Court, the 2nd respondent has not taken charge as Executive Officer. It would meet the ends of justice if the petitioner is permitted to submit a detailed representation to the 1st respondent raising all the contentions, raised in the writ petition, within a period of four weeks from the date of receipt of a copy of this order. The 1st respondent shall examine the contentions raised in the representation, pass a reasoned order and communicate the same to the petitioner within four months thereafter. Till such time as orders are passed by the 1st respondent and are communicated to the petitioner herein, the interim order passed by this Court on 19.07.1996, and made absolute on 29.08.1996, shall remain in force.

The writ petition is disposed of accordingly. No costs.

Date: 12.12.2006 RAMESH RANGANATHAN, J

MRKR